



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET- SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>**

Ref: 8ENF-RC

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Clement Frost
Chairman
Southern Ute Indian Tribe
P.O. Box 737
Ignacio, CO 81137-0737

Re: Notices Pursuant to Sections 104(b) and 122(j) of
the Comprehensive Environmental Response,
Compensation, and Liability Act Regarding the
Upper Animas Mining District Site, San Juan
County, Colorado

Dear Chairman Frost:

As required under Section 104(b)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(B)(2), this letter provides notification to the Southern Ute Indian Tribe that releases of hazardous substances at and from the Upper Animas Mining District Site in San Juan County, Colorado (Site) may have affected natural resources under the trusteeship of the Southern Ute Indian Tribe. The U.S. Environmental Protection Agency (EPA), U.S. Bureau of Reclamation, and the State of Colorado, through the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment, are currently scoping and conducting remedial studies, and wish to coordinate our assessments, evaluations, investigations, and planning with the Southern Ute Indian Tribe in accordance with Section 300.430(b)(7) of the National Contingency Plan.

In addition, the EPA hereby notifies the Southern Ute Indian Tribe that EPA has notified the U.S. Department of the Interior, as a Federal Natural Resource Trustee, in accordance with Section 122(j) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9622(j), of pending settlement negotiations with a potentially responsible party concerning conducting portions of the remedial investigation for the Site. No specific dates or timetable for settlement negotiations have been set, but the EPA will keep you

apprised when negotiations are scheduled and we encourage your participation in our negotiations.

Please advise us regarding your interest in and/or concerns regarding this Site. For instance, any information and studies you think should be considered in designing and selecting a remedy which is fully protective of human health and the environment, whether you intend to actively participate in negotiations, or any conditions you would want included in a settlement document. If you do not participate in settlement, we will retain language in any settlement agreement that reserves the rights of the Federal, State, and Tribal Trustees to bring a future potential action for natural resource damages.

If you have any technical questions, please contact either Paula Schmittiel , Remedial Project Manager, at 303-312-6861, or Elizabeth Fagan, Remedial Project Manager, at 303-312-6095. For any other questions the most knowledgeable person on my staff regarding this matter is Richard Sisk, Attorney, at 303-312-6638.

Sincerely,

Kelcey Land
Director
Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

cc: Andrea Madigan, 8ENF-RC
Richard L. Sisk, 8ENF-L
Mike Rudy, 8ENF-RC
Paula Schmittiel, 8EPR-SR
Elizabeth Fagan, 8EPR-SR
Ann Umphres, USDOJ
Scott Schultz, CO AG's Office
Doug Jamison, CDPHE



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